ORDINANCE NO. 2002 - 062

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS 3 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 4 5 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED CORRECTIVE 7 AMENDMENTS: 02-57 CHX 1 (PINE TRAIL SHOPPING 8 CENTER), MODIFYING PAGE 57 OF THE FLUA BY 9 CHANGING APPROXIMATELY 0.36 OF AN ACRE PARCEL OF 10 LAND, LOCATED APPROXIMATELY 250 FEET NORTH OF 11 ELMHURST ROAD, 850 FEET SOUTH OF OKEECHOBEE 12 BOULEVARD, AND 0.20 MILE WEST OF MILITARY TRAIL, 13 FROM COMMERCIAL, WITH AN UNDERLYING 8 UNITS PER 14 ACRE WITH CROSS-HATCHING (C/8) TO COMMERCIAL LOW, 15 WITH AN UNDERLYING 8 UNITS PER ACRE (CL/8); 02-71 16 17 COM 3 (MOBIL OIL), MODIFYING PAGE 71 OF THE FLUA BY CHANGING AN APPROXIMATELY 1.12 ACRE PARCEL OF 18 LAND, LOCATED ON THE SOUTHWEST CORNER OF MILITARY 19 TRAIL AND PURDY LANE, FROM COMMERCIAL HIGH, WITH 20 21 AN UNDERLYING 8 UNITS PER ACRE (CH/8) ON 0.82 ACRE TO COMMERCIAL HIGH (CH), AND FROM MEDIUM 22 RESIDENTIAL, 5 UNITS PER ACRE (MR-5) ON 0.30 ACRE 23 TO COMMERCIAL HIGH WITH CROSS-HATCHING (CH): 02-2.4 81 RES 1 (BILTMORE ACRES), MODIFYING PAGE 81 OF 25 THE FLUA BY CHANGING APPROXIMATELY 196.28 ACRES 26 27 OF LAND, LOCATED APPROXIMATELY 0.35 MILE EAST OF THE RONALD REAGAN TURNPIKE, BETWEEN LANTANA ROAD 2.8 AND THE LAKE WORTH DRAINAGE DISTRICT LATERAL 29 CANAL 14, FROM LOW RESIDENTIAL, 1 UNIT PER ACRE 30 (LR-1) TO LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-31 2); 02-102 AGR 1 (HALF-MILE ROAD PROPERTIES), 32 33 MODIFYING PAGE 102 OF THE FLUA BY CHANGING APPROXIMATELY 20 ACRES OF LAND, LOCATED ON WEST 34 SIDE OF HALF-MILE ROAD, APPROXIMATELY 600 FEET 35 SOUTH OF ATLANTIC AVENUE AND ONE-HALF MILE EAST 36 OF STATE ROAD 7, FROM SPECIAL AGRICULTURE (SA) TO 37 AGRICULTURAL RESERVE (AGR); PROVIDING 38 THE 1989 COMPREHENSIVE PLAN: 39 INCLUSION IN FOR REPEAL OF LAWS IN CONFLICT: 40 PROVIDING PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN 41 EFFECTIVE DATE. 42 43 44

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WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Flanning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon

the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance; and

WHEREAS, on August 28, 2002 the Palm Beach County Board of County Commissioners held a public nearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 57 is amended as follows:

Application No.:	02-57 CHX 1 (Pine Trail Shopping Center)
Amendment:	From Commercial, with an underlying 8 units
	per acre with cross-hatching (C/8) to
	Commercial Low, with an underlying 8 units
	per acre (CL/8);

General Location: Approximately 250 feet north of Elmhurst

Road, 850 feet south of Okeechobee

Boulevard, and 0.20 mile west of Military

Trail:

Size: Approximately 0.36 of an acre;

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1	B. Future Land Use	e Atlas page 71 is amended as follows:
2	Application No.:	02-71 COM 3 (Mcbil Oil)
3	Amendment:	From Commercial High, with an underlying 8
4		units per acre (CH/8) on 0.82 acre to
5		Commercial High (CH); and from Medium
6		Residential, 5 units per acre (MR-5) on
7		0.30 acre to Commercial High with cross-
8		hatching (CH);
9	General Location:	Southwest corner of Military Trail and
10		Purdy Lane;
11	Size:	Approximately 1.12 acres;
12	C. Future Land Use	Atlas page 81 is amended as follows:
13	Application No.:	02-81 RES 1 (Biltmore Acres)
14	Amendment:	From Low Residential, 1 unit per acre (LR-
15		1) to Low Residential, 2 units per acre
16		(LR-2);
17	General Location:	Approximately 0.35 mile east of the Ronald
18		Reagan Turnpike, between Lantana Road and
19		the Lake Worth Drainage District Lateral
20		Canal 14;
21	Size:	Approximately 196.28 acres;
22	D. Future Land Use	Atlas page 102 is amended as follows:
23	Application No.:	02-102 AGR 1 (Half-Mile Road Properties)
24	Amendment:	From Special Agriculture (SA) to
25		Agricultural Reserve (AGR);
26	General Location:	West side of Half-Mile Road, approximately
27		600 feet south of Atlantic Avenue and one-
28		half mile east of State Road 7;
29	Size:	Approximately 20 acres;
30	Part II. Repeal of I	Laws in Conflict
31	All local laws and or	rdinances applying to the unincorporated area
32	of Palm Beach County in c	onflict with any provision of this ordinance
2.2	are hereby repealed to the extent of such conflict	

Part III. Severability

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are hereby repealed to the extent of such conflict.

If any section, paragraph, sentence, clause, phrase, or word of

this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of

Palm Beach County, on the 28 day of August , 2002.

ATTEST: PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

WARREN H. Newell, Chairman

FORUPROVED AS TO FORM AND LEGAL SUFFICIENCY

Filed with the Department of State on the __3__day

of <u>September</u>, 2002

 $T: \verb|Planning| AMEND| 02-1| admin| bccadopt| Ordinances| Corrective-ord.rtf|$

EXHIBIT 1

A. Future Land Use Atlas page 57 is amended as follows:

02-57 CHX 1 (Pine Trail Shopping Center) **Amendment No.:**

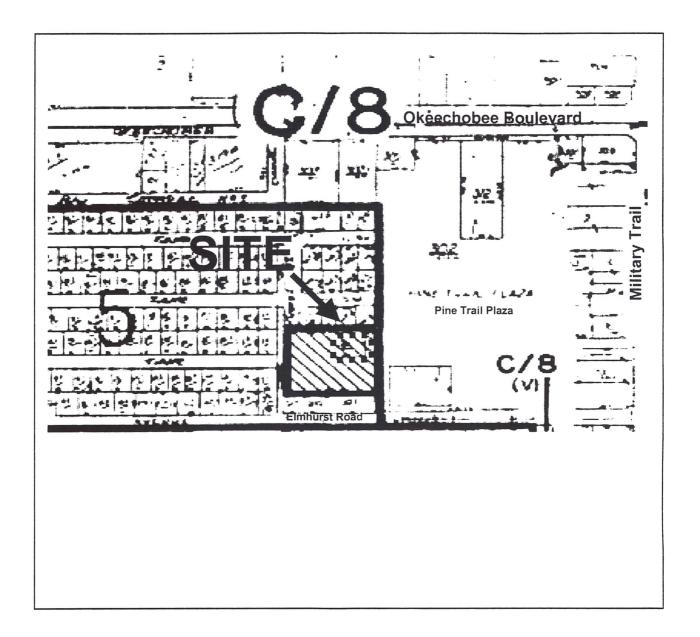
From Commercial, with an underlying 8 units per acre with cross-hatching (C/8) to Amendment:

Commercial Low, with an underlying 8 units per acre (CL/8). Approximately 250 feet north of Elmhurst Road, 850 feet south of Okeechobee Location:

Boulevard, and 0.20 mile west of Military Trail

Approximately 0.36 acre Size:

00-42-43-25-00-000-3110 **Property No.:**



Future Land Use Atlas page 71 is amended as follows: B.

Amendment No.: 02-71 COM 3 (Mobil Oil)

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) on 0.82 acre to

Commercial High (CH); and from Medium Residential, 5 units per acre (MR-5) on 0.30 acre to Commercial High with cross-hatching (CH).

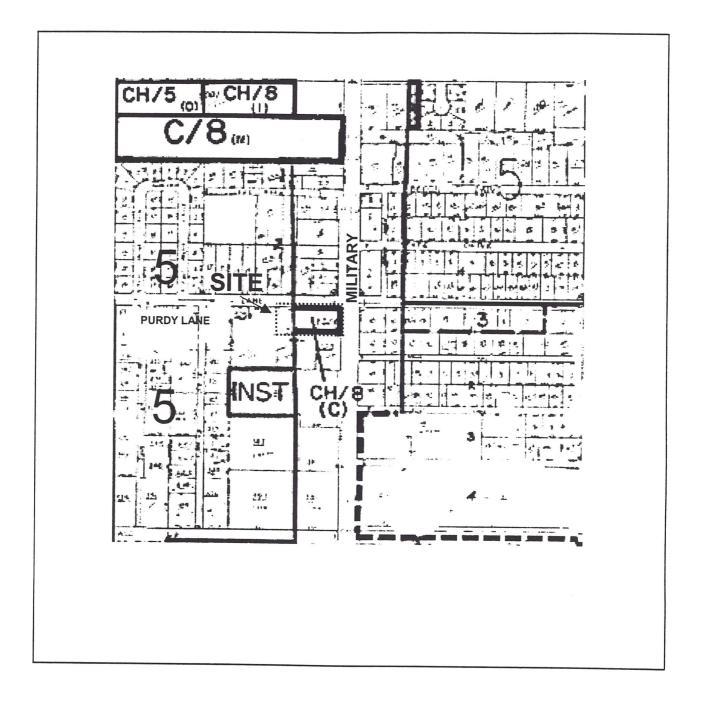
Location:

Size:

Southwest corner of Military Trail and Purdy Lane

Property No.:

Approximately 1.12 acres 00-42-44-13-00-000-3240



C. Future Land Use Atlas page 81 is amended as follows:

Amendment No.: 02-81 RES 1 (Biltmore Acres)

Amendment: From Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre

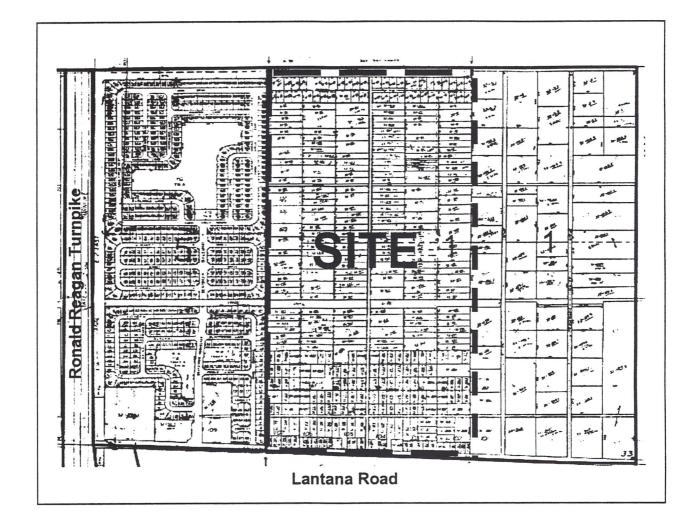
(LR-2)

Location: Approximately 0.35 mile east of the Ronald Reagan Turnpike, between Lantana

Road and the Lake Worth Drainage District Lateral Canal 14

Size: Approximately 196.28 acres (combined)

Property No.: See attached



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Biltmore Acres PCNs:	00 42 43 27 05 032 0830 00 42 43 27 05 032 0840	00 42 43 27 05 032 1770 00 42 43 27 05 032 1780
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D. Future Land Use Atlas page 102 is amended as follows:

Amendment No.: 02-102 AGR 1 (Half-Mile Road Properties)

Amendment: From Special Agriculture (SA) to Agricultural Reserve (AGR)

Location: West side of Half-Mile Road, approximately 600 feet south of Atlantic Avenue and

one-half mile east of State Road 7

Size: Approximately 20 acres (combined)

Property No.: 00-42-46-19-01-000-0210, 0221

